

REMARKS

Claims 1-58 and 60-74 were pending in the subject application. Claims 1-3, 6, 8-12, 14-16, 19-44, 64-66 and 73-74 were cancelled. Claims 4-5, 7, 13, 17, 45, 52, 56, 60, 62-63 and 69-70 were amended. New claims 76-135 were added. No new matter has been added. Accordingly, claims 4-5, 7, 13, 17-18, 45-58, 60-63, 67-72 and 76-135 are currently pending in the subject application. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Restriction Requirement and Improper Markush Group

Although Applicants do not concede that the Examiner's intraclaim restriction requirement is proper, in the interest of compact prosecution, Applicants have amended the claims to include only the subject matter of elected Group I (that is, where W and X represent SO₂ or SO₂NR¹). Applicants expressly reserve the right to file divisional applications to claim the non-elected subject matter and to include claims covering the full scope of the originally filed claims (including claims covering Group I and Group II).

The Examiner also objected to claims 1-3, 6, 8-12, 14-16, 19-44, 64-66 and 73-74 due to Improper Markush Group. Since these claims were cancelled, this objection is now moot.

Allowed and Allowable Subject Matter

The Examiner allowed claims 47, 49, 51, 53-55, 58, 61, 68 and 71. The Examiner objected to claims 4, 5, 7, 13, 17, 18, 45, 46, 50, 56, 57, 60, 62, 63, 67, 69, 70 and 72, but noted that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants accordingly have amended the claims so that they do not depend from any rejected claim.

Specifically, claims 4, 5, 13 and 17 (each of which depended from claim 2) were rewritten in independent form to include the limitations of cancelled, independent claim 1 and intervening claim 2. The claims were also amended to exclude non-elected subject matter. (Claim 17 was also amended to correct an obvious and minor typographical error: the term "alkyl" was misspelled as "alykl.") Claim 7, which depended from claim 6, which in turn depended from claim 2, was similarly amended to include the limitations of claims 1 and 2, and to exclude the non-elected subject matter. Dependent claim 18 was not rewritten but depends from rewritten claim 17, and is therefore allowable.

In addition, claim 45, which depends indirectly from cancelled, independent claim 24 (through intervening claims 25 through 27), was rewritten in independent form to include the limitations of cancelled, independent claim 24 (but not the limitations of claims 25 through 27). Claim 45 was also amended to exclude non-elected subject matter. Dependent claims 46, 48, 50 and 57 were not rewritten but each claim depends directly or indirectly from claim 45, and is therefore allowable. Claim 52 also depends from claim 45, and is therefore allowable. (As more fully discussed below, claim 52 was amended to correct an obvious typographical error.)

Furthermore, claims 60, 62 and 63, each of which depended indirectly from claim 24 (through intervening claims 25 and 26), were rewritten in independent form to include the limitations of cancelled, independent claim 24 (but not the limitations of claims 25 and 26). The claims were also amended to exclude non-elected subject matter. Dependent claims 67 and 72 were not rewritten, but each depends from rewritten claim 63 and is therefore allowable. Finally, claims 56, 69 and 70 were rewritten in independent form and are hence allowable.

In summary, all of the claims objected to (but otherwise found allowable by) the Examiner are now in condition for allowance.

Indefiniteness Rejection

The Examiner rejected claim 52 under 35 USC 112, second paragraph, as being indefinite. Specifically, the Examiner noted that claim 52 recited “[t]he compound of claims 45, wherein A¹⁵ is phenyl substituted with at least one,” but the substituent is not identified in the claim. Claim 52 has been amended to recite that “A¹⁵ is phenyl substituted with at least one halogen.” The term halogen was present in claim 52, as originally filed (on page 83 of the original application); and therefore, the amendment is supported and does not introduce new matter.

Other Rejections

The Examiner withdrew all rejections under 35 USC 112, first paragraph and second paragraph (other than the indefiniteness rejection with respect to claim 52). The Examiner agreed with Applicants' arguments that the term “esters” is not indefinite and is enabled.

In addition, the Examiner agreed with the Applicants' arguments that the claimed compounds where V is other than O and either W or X is SO₂NR¹ are not obvious. Nevertheless, the Examiner maintained the obviousness rejection “only for those claims where V is O, n is 0, m is 3-4 and W or X represents SO₂ in the instant claims.”

Although Applicants respectfully disagree with the Examiner as to the obviousness of these compounds, in the interest of compact prosecution, Applicants have cancelled any claims “where V is O, n is 0, m is 3-4 and W or X represents SO₂” (or otherwise amended existing claims so as not to read on such subject matter). However, Applicants reserve the right to present such claims in a future divisional or continuation application.

In light of Applicants' amendments, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

New claims 76-135 have been added. These claims are fully supported by the specification, including the originally filed claims. Moreover, the new claims are allowable for the following reasons.

The Examiner has maintained its obviousness rejection only as to claims "where V is O, n is 0, m is 3-4 and W or X represents SO₂." Independent claims 76, 77 and 120 do not read on compounds where V is O, and therefore are allowable. Moreover, dependent claims 78-99 depend directly or indirectly from claim 77; and claims 121-127 depend directly or indirectly from claim 120. Hence, these claims are likewise allowable.

Independent claims 100 and 128 read on compounds where V is O but do not encompass compounds where W or X represent SO₂. These claims are therefore allowable, as are dependent claims 101-117 (which depend directly or indirectly from claim 100) and claims 129-135 (which depend directly or indirectly from claim 128).

Finally, independent claim 118 covers compounds where n is not equal to 0; and independent claim 119 covers compounds where m is not equal to 3 or 4. These claims are therefore allowable.

In summary, all new claims, as well as all non-cancelled claims, are now in condition for allowance. Applicants respectfully request allowance as expeditiously as possible.

Miscellaneous

If a telephone conference would be of assistance in furthering prosecution, applicants request that the undersigned attorney be contacted at the number below.

No fee is required in connection with the filing of this Amendment, other than the fee for a two-month extension of time. If any additional fees are deemed necessary,

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authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



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